

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Agriculture Department – Allegation of misappropriation of EAS funds of Mandal Parishad of Y. Ramavaram, East Godavari District – Disciplinary action initiated against Sri K. Somayajulu, the then I/c. MPDO, Y. Ramavaram and ADA(R), Rajole (Retd.) under Rule 9 of APRP Rules, 1980 – Imposed a penalty of withholding of 50% pension permanently – Review Petition rejected – Orders - Issued.

AGRICULTURE AND COOPERATION (VIG.I) DEPARTMENT

G.O.Rt.No: 1522

Dated: 27-10-2010.

Read the following:-

1. Charge Memo No.Estt. IV(1)901/96, Dt. 18-6-1999 of C&DA., A.P., Hyd.
2. From Sri K. Somayajulu, A.O. and former MPDO, Y. Ramavaram, W.G. Dist., Written Statement of Defence, dated 23-11-1999.
3. Memo No.Estt.IV(1)901/96, dated 17-7-2000 of C&DA., A.P., Hyderabad.
4. From the JDA, Kakinada & Inquiry Officer, Lr.Rc.No.A1 /1287/2000, Dt. 29-10-2004 addressed to C&DA., Hyderabad.
5. From the C&DA., Hyd., Lr.No.Vig.I(1)901/96, Dt. 9-2-2005.
6. Govt. Memo No. 2338/Vig.I/1/2005-2, dt. 23-3-2006.
7. Representation from Sri K. Somayajulu, ADA(R), Rajahmundry, E.G., District dt. 8-5-2006.
8. Govt. Letter No.2338/Vig.I/1/2005-8, D. 20-6-2006.
9. From the APPSC., Hyd.Lr.No.739/RT-I/2/2006, dated 27-7-2006 & 3-12-2007.
10. Govt. Memo No.2338/Vig.I/1/2005-9, Dt. 10-10-2006.
11. Representation from Sri K. Somayajulu, ADA(Retd), dated 14-11-2006.
12. G.O.Rt.No.729, Agriculture and Cooperation (Vig.I) Dept., dated 16-6-2008.
13. From Sri K. Somayajulu, the then I/C MPDO, Y.Ramavaram and ADA (RT) Rajole (Retd) Review petition dated 20-10-2009.

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ORDER:

It has been brought to the notice of the Government that Sri K.Somayajulu, Assistant Director of Agriculture (Retd) while working as I/C Mandal Parishad Development Officer, R.Ramavaram., East Godavari district. had committed certain irregularities involving misappropriation of amount to a tune of Rs.24,59,099/- of Employment Assurance Scheme (EAS) Fund. In the reference 1st read above, the Commissioner & Director of Agriculture, Hyderabad was initiated a disciplinary action against him under Rule 20 of Andhra Pradesh Civil Service (CC&A) Rules, 1991 by framing 3 article of charges against him:

2. Government after careful examination of the disciplinary case and after following due procedures as per APCS (CC&A) Rules, 1991 had imposed the penalty of withholding of 50% pension permanently without effect on gratuity against Sri K.Somayajulu, Assistant Director of Agriculture (Retd) while working as I/C Mandal Parishad Development Officer, R.Ramavaram., East Godavari district under Rule 9 of A.P. Revised Pension Rules, 1980 vide reference 12th read above.

3. Aggrieved with the above penalty, in the reference 13th read above, Sri K. Somayajulu, former I/c. MPDO, Y. Ramavaram and ADA (R), Rajole (Retired) has filed the review petition, wherein he has submitted that the punishment awarded is excessive and unjust and he has not committed any despicable corrupt practices while discharging his functions as I/C MPDO, Y.Ramavaram Mandal. Further he has stated that the Hon'ble Judicial Magistrate of 1st class, Addateegala in C.C.No.244/2006 in Cr.No. 18/2004 of Y.Ramavaram P.S. dated 3-3-2009 has pronounced judgment that among others he has found not guilty in the criminal case filed for the same offence for which penalty of withholding of 50% of pension permanently ordered vide G.O.Rt.No. 729 A&C(Vig.I) Dept., dated 16-6-2008 is against jurisprudence of natural justice, and requested to review his case and to set aside the punishment of withholding of 50% pension permanently.

4. While Government his review petition is under examination, the Subject Officer has approached the Hon'ble A.P.A.T., for quick disposal of his Review Petition submitted in the reference 13th read above. The Hon'ble Tribunal in its orders dated 8-7-2010 in O.A.No.4449/2010 has directed the respondents to file counter within a period of three months.

5. Government after careful examination of the review petition submitted by Sri K. Somayajulu, former I/c. MPDO, Y. Ramavaram and ADA (R), Rajole (Retired) with reference to the orders of the Hon'ble Judicial Magistrate of 1st class, Addateegala in C.C.No.244/2006 in Cr.No. 18/2004 of Y.Ramavaram P.S. dated 3-3-2009 and records available have observed that in the judgement of the Trial court, the accused have been acquitted because of mishandling of the case by the prosecution therefore, nine years delay in filing FIR, not producing the original enquiry report, not producing witnesses whose evidence was crucial to the case. Therefore, benefit of doubt has been given to the Accused. Government re-iterate that criminal proceedings in court and disciplinary action by the competent authority are two separate and distinct matters. Disciplinary action in this case has been finalized after following the prescribed procedure and after a thorough examination of the Inquiry Report, as well as the submissions of the delinquent. No new facts have emerged in his review petition, nor is their any substantive finding on the charges against the Delinquent Officer in the judgment of Judicial 1st Class Magistrate's Court, Addateegala. Further in a Departmental Inquiry the Inquiry Officer has observed that the charge No1. framed against the subject officer ie., misappropriation of Government funds, is held proved, which is gave. However, Government have already taken a lenient view and on the submission made by the Charged Officer and imposed the penalty of withholding of 50% pension permanently without effect on gratuity instead of imposition of a penalty of withholding of 100% pension permanently. Keeping in view of the above facts, Government have decided to reject the review petition submitted by Sri K. Somayajulu, former I/c. MPDO, Y. Ramavaram and Assistant Director of Agriculture (R), Rajole (Retired).

6. Accordingly Government hereby reject the Review Petition submitted by Sri K. Somayajulu, former I/c. MPDO, Y. Ramavaram and Assistant Director of Agriculture (R), Rajole (Retired) and disposed off.

7. The Commissioner & Director of Agriculture, Hyderabad, shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**RACHEL CHATTERJEE
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To

Sri K. Somayajulu, former I/c. MPDO, Y. Ramavaram and Assistant Director of Agriculture (R), Rajole (Now Retired) (through C&DA., A.P., Hyderabad).

Copy to:

The Commissioner & Director of Agriculture, Hyderabad.

The Secretary to V.C., A.P.V.C., Hyderabad.

The P.R. & R.D. (Vig.II) Department.

Sf/SC.

// FORWARDED BY ORDER //

SECTION OFFICER